

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JULIA ANN SOUKUP FRENCH,)
)
 Plaintiff,)
)
 vs.)
)
 CHARLOTTE MERRINER, et al.,)
)
 Defendants.)

3:09-CV-0405-RCJ (VPC)

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

March 24, 2010

This Report and Recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B). For the reason set forth below, it is recommended that plaintiff's complaint be dismissed without prejudice.

I. BACKGROUND, DISCUSSION & CONCLUSION

On January 27, 2010, the court granted plaintiff's request to proceed *in forma pauperis* (#5). Additionally, the court dismissed plaintiff's complaint without prejudice for failure to state a viable civil rights claim *Id.* Plaintiff was granted forty-five (45) days within which to file an amended complaint that stated a plausible claim under § 1983 against the named private party defendants. *Id.* Plaintiff was cautioned that if she failed to file an amended complaint within the time allotted, the undersigned Magistrate Judge would recommend that the District Court dismiss plaintiff's action. *Id.*

Plaintiff failed to file an amended complaint as ordered and has not requested additional time in which to do so. Therefore, this court recommends that plaintiff's complaint be **DISMISSED** without prejudice.

1 The parties are advised:

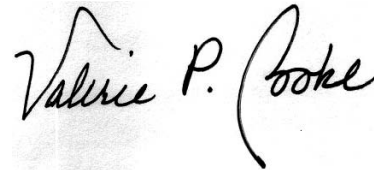
2 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the
3 parties may file specific written objections to this report and recommendation within fourteen days
4 of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and
5 Recommendation" and should be accompanied by points and authorities for consideration by the
6 District Court.

7 2. This report and recommendation is not an appealable order and any notice of appeal
8 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

9 **II. RECOMMENDATION**

10 **IT IS THEREFORE RECOMMENDED** that the district court enter an order
11 **DISMISSING** plaintiff's complaint without prejudice.

12 DATED: March 24, 2010.

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14 UNITED STATES MAGISTRATE JUDGE
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